

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

ANDREW S. HUANG (CABN 193730)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: andrew.huang@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0214 (VRW-JL)
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
CARLOS D. ARAIZA,)	
)	
)	
Defendant.)	
_____)	

On April 10, 2008, the parties in this case appeared before the Court for a detention hearing. At the time, this case was continued to May 15, 2008 for a status hearing before the Honorable Vaughn R. Walker. By Clerk's Notice, the parties have now been informed that the status hearing has been continued to May 22, 2008. At the time of the April 10, 2008 hearing, the parties stipulated that time through the date of the status hearing should be excluded from Speedy Trial Act calculations because, as set forth in more detail here, the government was in the process of preparing and providing discovery and the defense would require time to review this

1 discovery in order to adequately prepare a defense. Accordingly, the length of the requested
2 continuance, from the time of this stipulation, April 11, 2008 hearing until the May 22, 2008
3 hearing, is the reasonable amount of time necessary for effective preparation of counsel, taking
4 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree
5 that the ends of justice served by this continuance outweigh the best interests of the public and
6 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7
8 **SO STIPULATED.**

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 4/11/08 /s/
12 Date ANDREW S. HUANG
13 Assistant United States Attorney

14 **SO STIPULATED.**

15
16 4/11/08 /s/
17 Date CHARLES C. PIERPOINT III
18 Counsel for Defendant Carlos D. Araiza
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

For the reasons stated during the April 10, 2008 hearing, and for the reasons identified and stipulated above, the Court finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that time from the date of this Order, April 11, 2008, through May 22, 2008 shall be excluded from Speedy Trial Act calculations for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

THE HONORABLE JAMES LARSON
United States Magistrate Judge